IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 30446 of 2007(Y)

PETITIONER:

M.SHEELA, AGED 34 YEARS
W/O. THOMAS , PART TIME SWEEPER
OFFICE OF THE ASST. MARINE SURVEYOR
HYDROGRAPHIC SURVEY WING,
NEENDAKARA P.O. KOLLAM DISTRICT.

BY ADV. SRI.P.R.MILTON

RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT
DEPARTMENT OF PORTS (FISHERIES)
GOVERNEMTN SECRETARIAT,THIRUVANANTHAPURAM.

2. THE CHIEF HYDROGRAPHER
HYDROGRAPHIC SURVEY WING
THIRUVANANTHAPURAAM.

3. THE ASST. MARINE SURVEYOR
OFFICE OF THE ASST.HYDROGRAPHIC SURVEY WING
NEENDAKARA P.O. KOLLAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.30446 of 2007

Dated this the 12th day of November, 2007

JUDGMENT

Petitioner is working as a Part-time Sweeper on fixed remuneration in the office of the Assistant Marine Surveyor, Hydrographic Survey, Neendakara, Kollam District which is under the control of the third respondent. According to the petitioner, wages are to be fixed and services are to be regularised in terms of G.O.(P) No.501/2005/Fin. dtd. 25.11.2005. Claim was directed to be considered by this Court in Ext.P3 judgment in W.P.(C)1976/2006, but later under Ext.P5, the request was rejected essentially on the ground that the office of the third respondent was created temporarily for four months and only temporary posts were created for the said office. A perusal of Ext.P6 order shows that all other posts have been sanctioned in the office of the third respondent. If that be so, then the petitioner's claim ought to be re-considered in the light of Ext.P6.

2. On instructions, learned government pleader submits that apart from the posts sanctioned as per Ext.P6, a proposal has been forwarded by the second respondent

subsequent to Ext.P6 to the government to sanction the post of Part-Time Sweeper, and that a decision will be taken without further delay.

3. In the circumstances, the writ petition is disposed of directing the first respondent to take a final decision in the matter of sanction of the post of Part-time Sweeper in the office of the third respondent, as early as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Once such a decision is taken, petitioner's claim for regularisation in service shall be considered, and appropriate orders be passed within a period of one month thereafter, in the light of the directions already issued in Ext.P3 judgment and untrammeled by the decision taken in Ext.P5. Petitioner will be entitled to further consequential benefits in terms of the judgment of this Court in W.P.(C)13828/2007 and connected cases, if the Government takes a decision to regularise her services..

V. GIRI, JUDGE

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